

August 11, 1982

CONGRESSIONAL RECORD - HOUSE

H 5627

move of the PLO. It is possible that the many factions in Lebanon will seize the opportunity to recreate the government it had before the PLO arrival. The United States should do its part in promoting such an effort, because Lebanon can be a democratic, Western-oriented country.

The attack also means that the PLO is seriously weakened in its ambition to become the recognized spokesman for the Palestinians, and that weakness could lead to greater progress with negotiations on the Palestinian question. The PLO has so far refused to participate in the negotiations and has threatened to assassinate any Arab who does participate in the process. I believe it is in the best interests of the West to promote the emergence of nonterrorist, non-Marxist, and non-pro-Soviet leaders among the Palestinian people.

We know that the PLO is very active in the international terrorist network, and the military blows it has suffered in recent weeks ought to be hailed because those blows should reduce international terrorist activities. The PLO is a tool of the Soviet Union and serves as a mechanism to prevent the resolution of the Palestinian question. The ultimate resolution of the problem of Palestinian refugees will involve Israel and nearly all of the Arab States, especially Israel's neighbors, Jordan, Egypt, Lebanon, and Syria. The ability of the PLO to threaten the peace process may now be substantially weakened for years to come.

Certainly we are all appalled at the loss of life in Lebanon, particularly among civilians. Unfortunately, the PLO buries its military operations among the civilian population, including women and children; and this reprehensible and uncivilized practise has caused the civilian casualties and is one of the principal reasons the PLO is having difficulty finding a new home in the Arab world. In contrast to PLO tactics, the Syrian military forces in Lebanon painstakingly took up positions away from civilian concentrations.

American policy should now reach beyond the immediate task of ending the Lebanon conflict and to fulfill Palestinian settlement hopes. Most Israelis feel this issue must be dealt with fairly and once the PLO is defanged, I believe that it will be.

THE FIGHT TO CUT GOVERNMENT SPENDING IS LOSING GROUND

(Mr. GINGRICH asked and was given permission to address the House and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, yesterday the House passed an agriculture bill that was over budget. The Appropriations Committee reported out two bills that were both over budget. The simple fact is that we are losing the fight to cut Government spending. We are slowly drifting back to the

policy of taxing and taxing, spending and spending.

It is in this setting that we must look at the proposed 5-year \$228 billion tax increase, and that is according to page 414 of the Senate Finance Committee report.

We in the House agreed only to a \$20.8 billion 1-year tax increase, and that is on page 15 of the budget conference report. Any tax bill larger than \$20.8 billion in the current spending binge would be a defeat of our effort to cut Government spending and return to a smaller Government.

In fact, a \$228 billion tax increase should have with it \$684 billion in spending cuts if we were to meet the administration's goal of \$3 in spending cuts for every dollar of tax increase.

GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-224)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, August 11, 1982.)

FISCAL YEAR 1980 REPORT ON MINE SAFETY AND HEALTH ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate today, Wednesday, August 11, 1982.)

CONFERENCE REPORT ON S. 1193, INTERNATIONAL COMMUNICATIONS AGENCY AND BOARD FOR INTERNATIONAL BROADCASTING AUTHORIZATIONS, 1982-83

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 548 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 548

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency,

and the Board for International Broadcasting, and for other purposes, and all points of order against said conference report for failure to comply with the provisions of clause 3, rule XXVII are hereby waived.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. HALL) is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), for purposes of debate only, pending which I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, House Resolution 548 makes in order the consideration of the conference report on S. 1193, the authorization for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the Inter-American Foundation for fiscal years 1982 and 1983.

It waives points of order against the conference report for failure to comply with the provisions of clause 3 of rule XXVIII. This is the rule prohibiting matter beyond the scope of the positions of both Houses as committed to the conference.

In the case of the conference report on S. 1193 there are 13 provisions which might be considered in violation of the rule governing the scope of a conference. For the benefit of my colleagues, I shall list these provisions:

Provisions of the conference report on S. 1193 which may be in violation of clause 3 of House Rule XXVIII ("scope"):

First, section 103(a) reprograms and mandates the use of certain funds for the expenses of operating and maintaining certain U.S. consulates. The corresponding Senate provision only earmarked funds for this purpose; and the House did not have a corresponding funding provision.

Second, section 105 mandates nondeferred payment of U.S. assessed contributions to the Organization of American States, the Pan American Health Organization (PAHO), and the Inter-American Institute for Cooperation on Agriculture (IICA). The corresponding Senate provision earmarked certain funds for payment of assessed contributions and did not apply to contributions to PAHO or IICA; and the House did not have a provision on this issue.

Third, section 107 earmarks funds for assistance for the resettlement in Israel of refugees from the Soviet Union, Eastern Europe, and other countries. Both the House and Senate provisions on assistance for refugees resettling in Israel were limited to refugees from the Soviet Union and Eastern Europe.

Fourth, section 111 authorizes funds for both fiscal year 1982 and fiscal year 1983 for the Asia Foundation. The corresponding Senate provision did not include authorization for fiscal

H 5628

CONGRESSIONAL RECORD - HOUSE

August 11, 1982

year 1983; and the House had no provision on this issue.

Fifth, section 124 provides authority to establish basic salary rates for the Senior Foreign Service. Neither the House nor the Senate had a provision on this subject.

Sixth, section 126, relating to scientific exchange activities with the Soviet Union, requires a report on certain exchange activities conducted during fiscal years 1981 and 1982. The corresponding House provision required this information with respect to fiscal years 1979, 1980, and 1981; and the Senate had no provision on this issue. This section also requires annual reports from the Secretary of State listing Soviet nationals participating in certain exchange activities. The corresponding House provision prohibited the use of funds for these exchanges; and the Senate had no provision on this issue.

Seventh, section 202, relating to foreign missions, differs in several respects from the corresponding House provision, and the Senate had no provision on this issue (i.e., made no change in existing law):

The conference substitute designates by law certain areas in the District of Columbia in which chanceries can be located as a matter of right. The House provision created a District of Columbia Foreign Missions Commission which was directed to establish the areas in which chanceries could be located as a matter of right.

The conference substitute authorizes the President to designate certain Federal officials to serve on the D.C. Zoning Commission in lieu of the Director of the National Park Service during Commission proceedings relating to chanceries. The corresponding House provision established by law who would sit on the Commission responsible for zoning decisions affecting chanceries in the District, and the Senate made no change in the existing laws governing the membership of the relevant D.C. agencies.

The conference substitute expands the definition of international organization beyond that contained in the House amendment.

The conference substitute expands the authority of the United States to intervene in judicial proceedings, to obtain compliance with the foreign missions provision beyond that contained in the corresponding House section.

The conference substitute requires the Secretary of State to advise agencies and businesses whether transactions they propose to enter into with a foreign mission are prohibited under this legislation. The House amendment had no corresponding provision.

The conference substitute provides that the authorities of the Secretary of State relating to foreign missions shall be exercised under Presidential guidelines. The House amendment had no corresponding provision.

Eighth, section 302 authorizes \$559,000,000 for the fiscal year 1983 for the U.S. Information Agency—as so redesignated by this legislation. Both the House and Senate had authorized \$482,340,000 for the fiscal year 1983 for that agency.

Ninth, section 304(e), to the extent it relates to the use of fees from USIA's English-teaching programs has no corresponding provision in either the Senate bill or the House amendment.

Tenth, section 305(d) earmarks USIA funds for fiscal year 1983 for certain exchange-of-persons activities. Neither the Senate bill nor the House amendment contained such earmarkings.

Eleventh, section 501(c), relating to interest earned by Inter-American Foundation grantees, does not correspond to any House or Senate provision.

Twelfth, section 504, relating to the International Code of Marketing of Breastmilk Substitutes, does not have any congressional findings corresponding to those contained in both the Senate and House provisions on this issue.

Thirteenth, the conference substitute does not contain an earmarking for an ex gratia payment for Yugoslav national injured in the United States. The House and Senate had identical provisions on this subject.

Mr. Speaker, this legislation is the result of lengthy consideration, and it enjoys bipartisan support. In addition, it is supported by the administration.

I am not aware of any opposition to granting this waiver of clause 3 or rule XXVIII so that this conference report can be considered. I would urge my colleagues to adopt this rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, the gentleman from Ohio (Mr. HALL) has ably described the resolution. I know of no opposition to the rule. When we get down to the debate on the conference report, there may be some difference of opinion.

Mr. Speaker, it is time for action not only on this measure but on other measures which require consideration before adjournment, hopefully in early October.

I have no requests for time, and I yield back the balance of my time.

□ 1045

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. SMITH) for purposes of debate only.

Mr. SMITH of Iowa. Mr. Speaker, I want to point out that this rule waives all points of order. Why are the points of order necessary to be waived?

It is because the authorization bill contains an appropriation matter. It is a reappropriation of appropriations

that were appropriated when the appropriations bill went through the House. If you do not know where it is, it is section 103(a).

This involves consulates. We appropriated the money for the State Department last year. For some time there has been some argument about whether or not they should have consulates in certain cities. What happened was that in 1980 they closed a number of consulates and hired local agents to take their place, just like airlines sometimes close the local airline offices that have salaried people and they hire a travel agent to sell tickets for them.

In this case, these responsibilities are being paid for at an annual cost of \$75,000. The annual cost for opening up these consulates would be \$1,800,000.

I do not know where they are going to get the other \$1,700,000. We have asked and not received information, but certainly there is going to be in Western Europe the firing or transferring of probably 20 or 30 people out of other embassies and consulates to make up this money.

But the main thing I want to point out is that here we have a rule that waives points of order against an appropriations matter. If we are going to have appropriations matters in authorizations bills then I do not see why the Appropriations Committee should continue to resist, as we have, authorization matters in appropriation bills.

We have tried to cooperate with the committee and resist all of those that they did not approve. But if they are going to put appropriation matters in their authorization bill I do not know why we should not do the same thing in reciprocation.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FASCELL. Mr. Speaker, I call up the conference report on the Senate bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 3, 1982.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. FASCELL) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. DERWINSKI) will be recognized for 30 minutes.

August 11, 1982

CONGRESSIONAL RECORD — HOUSE

H 5629

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FASCELL asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. FASCELL. Mr. Speaker, I rise in support of the conference report to the State Department, U.S. Information Agency, and the Board for International Broadcasting authorization act for fiscal years 1982 and 1983. This bill contains a total authorization of appropriations of \$2.8 billion for fiscal year 1982 and \$2.9 billion for fiscal year 1983, broken down as follows:

First, \$2,281,207,000 for fiscal year 1982 and \$2,253,127,000 for fiscal year 1983 for the Department of State;

Second, \$494,034,000 for fiscal year 1982 and \$559 million for fiscal year 1983 for the U.S. Information Agency;

Third, \$86,519,000 for fiscal year 1982 and \$98,317,000 for fiscal year 1983 for the Board for International Broadcasting; and

Fourth, \$12 million in fiscal year 1982 and \$12.5 million in fiscal year 1983 for the Inter-American Foundation.

The House and Senate versions of this bill passed their respective Houses on October 29 and June 18 of last year. The House version reflected the President's budget request—including the 12-percent cut which the President made in September 1981. This bill largely reflects those figures. However, subsequent to floor action, the executive branch requested a supplemental authorization for the International Communication Agency to increase that Agency's 1983 budget from \$494 million to \$644 million. Because the conference on the bill was pending for such an extended length of time, the conferees decided to include the legislative authorities in the supplemental and to accept some, but not all, of the administration's supplemental funding request for ICA in 1983. This additional funding was necessary to insure support for ICA's educational and cultural exchange programs. Let me assure you that we have been able to fund these programs and still recommend a total budget ceiling which is well within the budget resolution and below the original executive branch request for these agencies which was submitted over a year ago. In fact, this budget authorization is \$12 million less than the original executive branch request for 1982 and approximately \$100 million less than the executive branch request for 1983.

This conference report is the product of careful deliberation of the conferees during 3 days of meetings. It provides for the reopening of seven U.S. consulates in various parts of the world; provides for payment of our assessed contributions for the United Nations and other international organizations; and provides for assistance to refugees. In general, it allows for

the sound conduct of U.S. foreign policy through the funding of our State Department and public diplomacy efforts such as those conducted by the International Communication Agency and through the broadcasts of the Voice of America and Radio Free Europe/Radio Liberty.

Perhaps one of the most important sections of this bill is title II which relates to foreign missions. This foreign missions act would promote a more sensible administration of our foreign policy effort by establishing an Office of Foreign Missions within the Department of State to review and control the operations of foreign missions in the United States and to regulate the benefits available to these missions. Such regulation would be based on the concept of reciprocity and our international legal obligations. In other words, the office would insure that services and benefits be provided to foreign missions operating in the United States under conditions or limitations similar to those placed upon U.S. missions operating overseas.

The committee of conference, though in agreement regarding the need for such an office, paid special attention to the section of this provision regarding the location of chanceries in the District of Columbia. After consideration of two compromise proposals, the conference committee agreed to a procedure which balanced both the Federal and municipal interests in choosing sites where foreign chanceries may locate in the District of Columbia. I feel that this legislation represents a good compromise which will allow the Office of Foreign Missions the power it needs to take reciprocal action on all matters relating to the establishment and operations of an overseas mission, while recognizing the understandably strong interest in the District of Columbia in controlling their city plan.

In other provisions, this legislation prohibits the use of funds appropriated for U.S. payments to international organizations which would provide political benefits to the Palestine Liberation Organization; provides assistance for refugees settling in Israel; earmarks funds for the International Committee of the Red Cross for the assistance of political detainees; and provides that no funds may be used for payment of the U.S.-assessed contribution to UNESCO if that organization implements policies which would restrict the free flow of information worldwide or impose codes of journalistic practice or ethics.

In addition, the bill would extend the life of a passport from 5 to 10 years; redesignate the International Communication Agency (ICA) as the U.S. Information Agency (USIA); earmark funds to be used for grants for the Fulbright programs, Humphrey fellowships, and other academic exchange programs; provide for the merger of the Board for International Broadcasting and the Board of Direc-

tors of Radio Free Europe/Radio Liberty, Incorporated, and requests three executive branch reports—one on the costs to the United States of local efforts to assist refugees and Cuban and Haitian entrants to the United States in fiscal years 1981 and 1982. Other reports request: First, an analysis of U.S. participation in UNESCO; and second, a report from the Secretary of State assessing the risk of transfer to the Soviet Union of technology through research and educational exchanges.

This legislation contains many well thought-out provisions which I feel are essential to our foreign policy efforts. I urge my colleagues to support this conference report.

Mr. Speaker, I also wish to note that the fiscal year 1983 authorization figure for the Department of State is slightly lower than the fiscal year 1983 appropriation request which is currently pending. This is due to the unusual circumstances which left the fiscal year 1982-83 authorization bill pending in conference until recently. Therefore, to clarify the legislative history on this matter, as well as on other matters relating to the fiscal year 1983 supplemental authorization request for the International Communication Agency (soon to be the U.S. Information Agency), I wish to insert portions of the report of the Committee on Foreign Affairs on H.R. 5998, whose provisions are included in the conference report pending before us:

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 5998) to provide additional authorizations of appropriations for the fiscal year 1983 for the International Communication Agency, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

COMMITTEE ACTION

On March 18, 1982, the Director of the U.S. International Communication Agency, Hon. Charles Z. Wick, sent to the Speaker of the House of Representatives Executive Communication 3463 which contained a draft bill to provide additional authorizations of appropriations for the fiscal year 1983 for the International Communication Agency, and for other purposes. On March 25, 1982, the Assistant Secretary of State for Congressional Relations, Hon. Powell A. Moore, sent to the Speaker of the House of Representatives Executive Communication 3520 containing draft legislation to amend 22 U.S.C. 2653 as well as the executive pay schedule in order to make certain changes in administrative authorities which would confirm, in law, existing practice regarding the treatment of the rank of Counselor within the Department of State. These communications were referred to the Committee on Foreign Affairs, and on March 23 and 30, respectively, the chairman, Hon. Clement J. Zablocki, referred them to the Subcommittee on International Operations.

The Subcommittee held a hearing on March 17, 1982, during which testimony was received from representatives of the Department of State and the International Communication Agency. Among the witnesses were the following: Hon. Richard T. Kennedy, Under Secretary of State for Management; Hon. Charles Z. Wick, Director of the

H 5630

CONGRESSIONAL RECORD — HOUSE

August 11, 1982

International Communication Agency; and Mr. James Conkling, Director of the Voice of America.

The subcommittee held an open markup session on March 25, 1982, on the draft legislation and reported to the full committee a draft bill in the form of a committee print. The full committee, on March 31, held an open markup of the draft bill and agree to the introduction of a clean bill. H.R. 5998 was subsequently introduced by Hon. Dante B. Fascell, chairman of the Subcommittee on International Operations, and 15 cosponsors. On April 1, 1982, H.R. 5998 was ordered favorably reported by voice vote.

PURPOSE OF THE BILL

The principal purpose of H.R. 5998 is to provide additional authorization of appropriations for fiscal year 1983 for the International Communication Agency to enhance the U.S. public diplomacy effort—the manner in which the United States can transmit its message worldwide, facilitate the free flow of information, and promote understanding and acceptance of U.S. positions through both its broadcasts and international education and cultural exchange programs.

OTHER PROVISIONS OF THE BILL

The bill also contains provisions which make certain changes in administrative authorities which have been requested by the agencies or recommended by the committee. These provisions would accomplish the following:

(1) Permit the International Communication Agency to credit tuition fees and other payments received in connection with the agency's English teaching programs to ICA's applicable appropriation; and

(2) Exempt Inter-American Foundation grantees from the obligation to return to the U.S. Treasury interest earned on advances of appropriated funds.

COMMITTEE COMMENT

The committee considered a request to amend section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) to clarify ICA's authority to employ aliens for translation and narration or preparation and production of foreign language programming. ICA requested an amendment to the law to enable the Agency to employ aliens when "equally or better" qualified U.S. citizens were not available.

Under existing law, ICA may employ aliens when "suitably" qualified U.S. citizens are unavailable for employment. The phrase "suitably qualified" has, because of the lack of legislative history on the issue, been interpreted by the Agency as "minimally qualified," mandating the employment of U.S. citizens over more highly skilled foreign nationals. The Senate report on the Foreign Relations Authorization Act for fiscal years 1980 and 1981 states that, "By law, should a qualified U.S. citizen apply for a position held by an alien, the American citizen would be given the position." On the other hand, the House report language offers a different, more flexible description, citing the severe problems encountered by ICA in recruiting U.S. citizens and recognizing that a number of tasks "can properly be performed by alien employees who are qualified and have the proper security clearances" when suitably qualified U.S. citizens are not available. The more specific dictates of the Senate report appear to require VOA to terminate the employment of a qualified alien (or to move that person laterally to a potentially less important job within the Agency) in order that a lesser or "minimally" qualified U.S. citizen be employed or promoted. In fact, the committee

does not view the language in the House and Senate reports as contradictory, provided the term "suitably qualified U.S. citizen" is interpreted sensibly. The term should be interpreted to mean in effect that the person who best fulfills the job requirements would be hired, and that only in those cases where the American and the foreign national are equally qualified should preference be given to an American. Moreover, the committee sees no reason why an alien should be separated from employment or transferred to another position because of the availability of a U.S. citizen, on the basis of citizenship alone.

USICA's present interpretation apparently protects only a few employment opportunities for Americans. This is done to the detriment of the quality of VOA's programming overseas. In view of the U.S. Government's large investment in its international broadcasting effort, it is not in the interest of the United States or of U.S. citizens to jeopardize the quality of such programming in order to insure that "minimally qualified" Americans fill every possible position. The ability to communicate information accurately in a foreign language hinges on language capability which includes an idiomatic grasp of the language, not just textbook knowledge. International broadcasting is a competitive field which requires the best possible staff to attract and maintain an overseas audience. The quality of U.S. broadcasts reflects the quality of the message and the seriousness of our intent in broadcasting. Mistakes hamper our effectiveness and our competitiveness, and may offend our intended audience. Indeed, the committee has, over the years, been aware of criticisms of VOA broadcasts which indicate that some VOA broadcasters have not possessed an adequate grasp of the necessary language.

It is the view of the committee that the phrase "suitably qualified" is adequate to reflect the staffing needs of VOA, if interpreted correctly. In fact, "suitable" in itself means "qualified" and should be applied to those who are able to present a quality product. A suitably qualified person does not mean one who is qualified under minimum standards, but a person whose skills match the demands of the position as well as the demands of the Agency. Such an interpretation should allow ICA more flexibility in obtaining the staff needed to fulfill its . . .

The committee notes that this bill contains no fiscal year 1983 supplemental authorization request for the Department of State. The committee has decided that additional authorization is unnecessary at this time, given the unusual circumstances which have left the fiscal year 1982-83 authorization bill pending in conference. The following letter from Hon. Richard T. Kennedy, Under Secretary of State for Management, explains the fiscal year 1982-83 budgetary situation, which assumes enactment of the pending authorization bill:

UNDER SECRETARY OF STATE FOR MANAGEMENT
Washington, D.C., March 24, 1982.

Hon. DANTE B. FASCELL,
Chairman, Subcommittee on International Operations, Committee on Foreign Affairs, House of Representatives.

DEAR DANTE: I very much appreciate appearing before your Subcommittee last week to explain the Department of State's 1983 budget. As always, we value your strong support, most especially during this long legislative process. I trust my testimony gave a clear picture of our adjusted 1982 and 1983 requirements.

As a matter of practice to avoid confusion, the initial authorization bill has traditional-

ly been presented at the same funding levels as our initially proposed appropriations. However, there have been many subsequent changes to the 1982 and 1983 budgets. Since the bill pending before the Congress covers two years, I would like to review its relationship to the revised 1982 budget figures and the new 1983 appropriation request.

In the context of this review, the 1982 and 1983 amounts authorized for the Department in the pending bill, when combined with existing permanent authorities, are sufficient to cover the revised appropriation requirements. These permanent authorities entail international peacekeeping activities, increases for American salaries, Foreign Service National wages, and the Foreign Service Retirement Fund. I will elaborate further on these authorities below.

For 1982, the bill contains ample authorization to cover the Department's appropriation levels in the Continuing Resolution, as well as for pending and proposed supplemental appropriations. As can be seen from the table at Attachment 1, we would have \$68 million more authorization than appropriations in the House version of our bill and \$225 million more in the Senate version. In this table we have included \$13 million for 1982 supplemental requests (primarily for the United States-Iranian Claims Tribunal, the United States-Canada Maine Boundary dispute, and the Foreign Service Retirement Fund) and \$22 million for Federal salary increases (which OMB has not yet transmitted to the Congress). Not included is \$10 million in supplemental requests pending at OMB for protective security of U.S. diplomatic personnel overseas and of foreign diplomatic personnel in the United States following increased terrorist attacks on these two groups. However, even after adding these pending supplemental requests, I believe the bill provides sufficient authority in 1982 to meet the Department's requirements.

Concerning 1983, the amounts authorized for the Department in the House or Senate version of our authorization bill, when considered in conjunction with provisions of permanent authority contained in existing law, will provide sufficient authorization to meet our current and anticipated 1983 budget requirements. Specifically, Attachment 2 indicates there is \$123 million in existing authorization above the funding levels for 1983 authorized by either the House or Senate from: Peacekeeping (\$60 million); pay supplementals (\$25 million); wages (\$23 million); and Foreign Service Retirement Fund (\$15 million).

This will cover the \$40-47 current 1983 authorization "shortfall" indicated in Attachment 1, and also will provide authority to meet additional requirements not in our 1983 Congressional budget. The new items will total up to \$70 million for such needs as increased overseas and domestic security (\$48 million—a continuation of our 1982 supplemental request), peacekeeping (\$10 million) and further Blair House renovations (\$8 million).

Although this approach has been taken this year in view of the unusual circumstances involving the authorization legislation, the Department fully intends to continue to include these items in future fiscal year requests to the Committee. This unusual approach, of course, presupposes enactment of the fiscal year 1982-83 authorization legislation now pending in conference. As you know, the Department is eager to obtain a viable 1982-83 authorization bill, and I will make every effort to work closely with you to obtain it.

Sincerely,

RICHARD T. KENNEDY.

August 11, 1982

CONGRESSIONAL RECORD — HOUSE

H-5631

Attachments: Retained in Committee files

COUNSELOR OF THE DEPARTMENT OF STATE

Executive Communication 3520 requesting that the position of Counselor of the Department of State be upgraded from Executive Level IV to Executive Level III was submitted to Congress and jointly referred to the Committee on Foreign Affairs and Post Office and Civil Service on March 30, 1982. The Department of State further requested that such a provision be included in H.R. 5998.

During consideration of H.R. 5998, the committee noted that approval of the executive branch request on this matter would

have the effect of increasing the number of level III positions in the Department of State at a time when the Department and other Federal agencies are undergoing severe personnel cuts and are making other budget sacrifices. In view of these reductions, the committee agreed that upgrading the position of Counselor of the Department without eliminating an existing level III position would be inappropriate at this time.

SECTION-BY-SECTION ANALYSIS
SECTION 1—ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1983

This section amends the International Communication Agency Authorization Act,

fiscal years 1982 and 1983, which is currently in conference, to authorize an additional appropriation of \$157,660,000 for fiscal year 1983 to carry out the Agency's international communication, education, and cultural exchange functions. The following table provides a comparison of the executive branch fiscal year 1983 supplemental request with amounts contained in the Senate-passed bill, S. 1193, and the House amendment thereto, which is the fiscal years 1982 and 1983 authorization bill for the Department of State, the U.S. International Communication Agency, the Board for International Broadcasting, and the Inter-American Foundation.

U.S. INTERNATIONAL COMMUNICATION AGENCY—COMPARISON OF 1983 BUDGET REQUEST WITH AMOUNTS IN H.R. 4814 AND S. 1193

[In thousands of dollars]

Account	1981 request fiscal year 1983 ¹	1982 supplemental request for fiscal year 1983 ²	Increase (+) or decrease (-)
Salaries and expenses:			
Overseas missions	146,194	150,777	+4,583
Broadcasting service	106,669	117,391	+10,722
Educational and cultural affairs	92,380	100,600	+8,220
Program coordination and support	39,456	46,664	+7,208
Agency direction and management	33,412	37,655	+4,253
Administrative support from other agencies	34,076	42,346	+8,270
Special foreign currency program	11,451	11,327	-124
Total, salaries and expenses	463,638	506,770	+43,102
Acquisition and construction of radio facilities	1,822	115,000	+113,178
Center for Cultural and technical interchange between East and West	16,880	18,230	+1,350
Total 1983 request	482,340	640,000	+157,560

¹ Submitted in March 1981 and approved in the House and Senate versions of the ICA fiscal year 1983 authorizations currently pending in conference (H.R. 4814 and S. 1193).

² Submitted on Mar. 18, 1982.

The Soviet Union presently outspends the United States by about 7 to 1 in international broadcasting and information efforts around the World, not to mention the additional millions of dollars it spends jamming U.S. broadcasts to the Soviet Union. The United States even ranks below some of its Western allies in broadcast hours around the world.

ICA's product is an important element in the U.S. national defense, a critical weapon in the war of ideas. Mutual understanding is a key element in the peace process and the effort to make information about the United States available to the world must be pursued vigorously if the United States is to maintain and promote the world's information balance.

Though U.S. arsenals of defense are stocked with state-of-the-art weaponry, the United States has neglected the technology of broadcasting and has relaxed this Nation's message on transmitters which were "state of the art" in 1938. Therefore the committee feels that this supplemental request is not only justified, but overdue. Indeed, this new executive branch request approximates the committee's original fiscal year 1983 recommendation. The bulk of the supplemental (approximately \$113.2 million out of \$157.7 million) would be allocated to ICA's account for the acquisition and construction of radio facilities. Principally, these funds would be used to complete the construction of transmitting facilities for the Voice of America in Sri Lanka and Botswana, for broadcasting to Asia and Africa respectively, to reequip and modernize domestic broadcast studios, and to finance construction of a VOA-owned satellite network.

In addition to needed budget increase for plant and equipment and improvements in broadcast technology, the remainder of the supplemental would be allocated to fund, among other things, Federal pay raise costs, increased education and cultural affairs programming, the establishment of an ICA branch post in Guangzhou (Canton), China, and the consolidation USICA office space in Washington, D.C.

The committee approves of the planned office space consolidation, which is long overdue. USICA now occupies 12 buildings in Washington, a circumstance which hampers efficiency and makes communication and day-to-day operations unusually difficult. The committee expects this move to be accomplished expeditiously and looks forward to receiving periodic progress reports.

The committee is concerned over allegations that education and cultural affairs programming is being subjected to political influences in derogation of the history, traditions, and intent behind the diverse programs administered by ICA. It is vital that these programs and the broadly representative nature of their participants be unimpeded by political considerations or wildly fluctuating budgetary priorities. Those involved in the business of promoting international understanding have realized that the United States should expand more than its current minuscule efforts in education and cultural exchanges. Therefore, it is imperative that existing programs of this sort be enhanced and expanded. By no means should they be sacrificed to newer, narrower initiatives of unconfirmed effectiveness. The goal should be to increase our efforts as much as possible as that the whole range of USICA's purposes is served.

Furthermore, the committee feels strongly that in order to fulfill effectively its assigned mission to foster mutual understanding, ICA must zealously protect the integrity and objectivity of its broadcasting efforts. The Voice of America must continue to reflect the best American journalism, to tell the U.S. story clearly, honestly, and reliably. Only in this way will the United States be listened to, and its word respected.

Moreover, the committee supports USICA's efforts to combat disinformation through the dissemination of truth. It does, however, hope that such efforts can be made without harming the Voice's journalistic integrity and without mirroring aspects of the programs they are designed to counter. Some valid concerns have been voiced that a bolder marketing of America worldwide, a more obvious waving of the flag overseas, might damage that credibility as well as the goodwill among foreign audiences which USICA has built over the years. Credibility, in publications as well as in broadcasting, is USICA's best asset and our binding link to audiences worldwide.

The committee firmly supports a growing role for USICA in protecting U.S. interests abroad. It is the committee's hope that, in expanding USICA's reach, we can do so without changing the Agency's mission or threatening existing programs which already serve U.S. interests so well.

The committee further wishes to express its opposition to the Executive Committee of Correspondents' decision to withdraw accreditation to the Radio and TV Galleries of the House and Senate for correspondents of RFE/RL, Inc., as well as its continuing denial of accreditation to Voice of America

H 5632

CONGRESSIONAL RECORD — HOUSE

August 11, 1982

correspondents. It appears that the committee reached that decision based on the fact that Radio Free Europe and Radio Liberty are government-financed. By a fantastic leap in logic, they have thereby questioned the integrity and objectivity of the Radios. In addition, the Executive Committee seems to believe that RFE/RL, Inc., is controlled by the Department of State. In fact, the Radios' activities are carried out on a day-to-day basis in an entirely independent and objective manner, without any guidance or direction from the Department of State. Indeed, RFE/RL, Inc.'s research reports are so highly regarded that hundreds of news organizations, individuals, government agencies, and businesses around the world subscribe to them.

The committee is adamant in its belief that these organizations have been unfairly treated, not the least because the "Rules Governing the Radio and TV Correspondents Gallery" do not provide for the expulsion of a member. Moreover, it is highly questionable practice on the one hand, for the Executive Committee to attempt to expel RFE/RL, Inc., by questioning its independence, while on the other hand permitting foreign government-run operations such as Soviet radio and television to retain their accreditation. Indeed, the British Broadcasting Corp., Deutschewelle (Federal Republic of Germany) and French media entities are not only government-financed, but government-controlled. Finally, the committee urges that when the Executive Committee of Correspondents reconsiders its decision it also reconsider the reasons for which the Voice of America has always been denied accreditation. The Committee on Foreign Affairs believes that there is no justification for discrimination against U.S. media entities unless the same treatment is accorded foreign media entities which are government-financed or controlled.

SECTION 2—USE OF ENGLISH-TEACHING PROGRAM FEES

This section would amend the United States Information and Educational Exchange Act of 1948 to provide the International Communication Agency with the necessary authority to use tuition and other payments received in connection with the agency's overseas English-teaching programs. Under present practice, USICA is required to return to the Treasury any proceeds it collects as a result of its activities. At present, many of these programs are run under contracts with binational centers overseas where USICA's authority is limited. If USICA is permitted to use the proceeds of its programs it will be able to strengthen its program control and financial oversight. Annual proceeds from such programs are estimated at \$200,000 for the first year and up to \$500,000 in succeeding years. The authority provided in this section may be exercised only to the extent that it is approved in appropriation acts.

SECTION 3—INTEREST EARNED BY INTER-AMERICAN FOUNDATION GRANTEES

This section would exempt Inter-American Foundation (IAF) grantees from the obligation to return to the Treasury interest earned on advances of appropriated funds. This provision applies to interest earned both before and after date of enactment of the section.

Under present IAF practice, disbursements of grants are made at 6-month intervals, since most grants are under \$75,000 and it would be administratively costly and inefficient to make quarterly disbursements. Although great effort is made to disburse funds so as to minimize the time elapsing between transfer and grantee utilization, the entire disbursement may not be used

immediately. In fact, it normally takes several weeks for the grantee to utilize all of the funds. In countries where the annual inflation rate has been as high as 100 percent, the real value of the money drops dramatically if the remaining funds are not permitted to earn interest, even for 2 or 3 weeks. Under current administrative interpretations, these organizations must return to the U.S. Treasury any earned interest. Not only is this practice confusing to the small, unsophisticated organizations which make up the bulk of IAF's grantees, but it would be more costly to the United States administratively to require the return of such small amounts of interest.

Instead, the committee feels that a much more practical and efficient procedure would be to permit grantees to utilize any such interest earned for the purposes for which the IAF grant was made. In this way, the Foundation's funding will not be as diminished by high inflation rates, the purposes of the Foundation will be served, the United States will save money, and the purposes of the individual grants will be enhanced. In addition, the committee wishes to stress that support for this exemption from the requirements of 31 U.S.C. 484 is based upon the unusual aspects of Foundation grantmaking and operations and is not intended to be a precedent for other agencies. Indeed, the committee does not feel that this exemption is inconsistent with the original intent behind enactment of 31 U.S.C. 484 which concerns congressional oversight and control of appropriated funds.

Mr. DERWINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will emphasize the points made by the distinguished gentleman from Florida.

I should like to point out to the House, if it is not a violation of diplomacy, that dealing for a year with the other body in intermittent conference sessions is not the world's easiest chore, so you must understand we had a difficult time in conference.

As the gentleman from Florida pointed out, the ICA supplemental request has made the adjustment in the authorization necessary. Yet the authorization, for example, for the ICA is \$85 million below the President's original request.

The gentleman from Iowa (Mr. SMITH) raised a point earlier concerning a provision in the conference report mandating that there be no new consulates created or expansion of consulate offices, until certain consulates now closed are reopened.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. If that were the case, I would not make any objection whatever. But I point out that that is not what it says.

This was not in either the House bill or the bill in the other body.

Mr. DERWINSKI. My personal opinion is that the closing of those consulates at the time may have been well intended, but let us say that it was not necessarily a practical economy move and that we have been under constant pressure from a number of countries to reopen those consulates.

We have the age-old issue of how do you best fly the flag and how do you best serve America's interests.

Mr. SMITH of Iowa. I would not even argue whether they should have been closed at the time. The fact of the matter is that they were.

We now have for State Department personnel for Western Europe a certain amount of money in 1982. This would take \$1.7 million of that money to perform the same services that are now being provided by those agents. They have been telling us that they are short.

My opinion is that if they have this \$1.7 million more than they need in Western Europe, they probably have more than they need in South Africa and everywhere else and we ought to take a look at their salaries and expenses and perhaps cut about \$15 million out of it.

Mr. DERWINSKI. My understanding is the required amount is only \$400,000 for fiscal year 1982.

Mr. SMITH of Iowa. The figure for 1982 is to reprogram \$400,000 and that annualizes to \$1,800,000 in 1983. If they fill the positions in 1982, they will carry them on in 1983, and that is \$1,800,000, for services they are now performing for \$75,000 with local agents.

So it is \$1,700,000 more that is going to come out of salaries and expenses available for Western Europe in other embassies and consulates.

Mr. DERWINSKI. According to the Department of State estimate, which is cited in the statement of managers, the fiscal year 1983 cost will be \$1.5 million which has been rebudgeted pursuant to a reprogramming notice sent to Congress. I think that I could allay the fears of the gentleman by pointing out that the particular subcommittee chaired by the gentleman from Florida (Mr. FASCELL), on which I am the ranking member, rides very, very tight herd on the Department. They do come in and justify, as best they can, all of their expenditures. It should be mentioned, in this regard, that the foreign missions provision in the conference report would tighten the control that we have over foreign chanceries here in Washington, and in turn gives us greater leverage abroad to achieve both, land and facility acquisition that will achieve savings for us down the road.

Mr. SMITH of Iowa. As the gentleman knows, all of that is necessary because they are not receiving the same program level that they have had previously because of the tight budget.

They need any funds to carry the same services for salaries and expenses.

If they do take \$1.7 million from salaries and expenses to perform the same services, I do not know where this money is coming from. Also if it is done, it ought to be done in an appropriation bill.

August 11, 1982

CONGRESSIONAL RECORD — HOUSE

H 5633

Mr. DERWINSKI. As the gentleman from Illinois explained earlier, this has been anticipated in the Department's budget pursuant to a reprogramming notice notifying Congress of the Executives intention to reopen the consulates. I presume that this request of the Department will be acknowledged in the appropriation process.

Mr. SMITH of Iowa. We are coming up on the floor soon with a proposal for 1983 funding and in it we have a certain amount for salaries and expenses. It does not anticipate this diversion of funds and a reprogramming has not been approved.

If they do shift these resources, that means they had too much money for Western Europe. In that event, I am of the opinion then, they probably have that much more in other places in the world.

In that event, by the time we get through conference we may be able to cut the salaries and expenses not just the \$1.7 million but probably \$15 or \$20 million.

Mr. DERWINSKI. The gentleman will have plenty of cooperation from the House in its present mood on any savings he could achieve.

Mr. Speaker, I have no requests for time and I am not aware of any controversy. I recommend adoption of the conference report.

Mr. BROOMFIELD. Mr. Speaker, I rise in support of S. 1193, a bill to authorize the Department of State, the International Communication Agency (ICA) and the Board for International Broadcasting (BIB) for fiscal years 1982 and 1983. These entities are among the key elements in the nonmilitary area of U.S. National Security. They are our diplomatic affairs department and the principal practitioners of our public diplomacy. I support these agencies for the absolutely essential work they carry out in foreign affairs.

Among other things, the bill establishes a new Office of Foreign Missions within the Department of State. It provides for Federal jurisdiction regarding benefits for foreign missions in the United States. The new office will be under the Secretary of State but not subject to control by bureaus responsible for day-to-day operations or to the Department's Office of Protocol.

The figures in this bill are within the President's budget guidelines. I participated in the work of the conference committee and support the report of the conference. The bill is long overdue; I recommend its quick passage.●

Mr. ZABLOCKI. Mr. Speaker, I rise in support of the conference report on S. 1193, authorizing appropriations for the Department of State, the International Communication Agency, and the Board for International Broadcast for fiscal years 1982 and 1983.

At the outset, I would like to commend the gentleman from Florida

(Mr. FASCELL) and the gentleman from Illinois (Mr. DERWINSKI) for their able stewardship of this important authorization for our foreign affairs agencies. Their leadership throughout the long and, at times, arduous conference was crucial to the successful outcome.

In particular, I would like to commend the conferees for their work in crafting the compromise on the provisions relating to the Foreign Missions Act. In my judgment, the conference agreement on this measure will be a tremendous boon to our diplomatic missions overseas, while at the same time balancing the interests of the Federal Government and the District of Columbia regarding the process for the location of chanceries.

I am also pleased to note that the conference report mandates the reopening of seven U.S. consulates in various locations throughout the world of vital importance to the U.S. Government and American travelers and businessmen.

As the gentleman from Florida stated, the bill contains many provisions which will improve our foreign policy efforts while also recognizing the need for fiscal responsibility. The total amount authorized to be appropriated is significantly below the President's requests and within the budget resolutions targets.

I urge the adoption of the conference report.●

Mr. FASCELL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered. The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 399

Mr. STUDDS. Mr. Speaker, through a typing error, the gentleman from Alabama, Mr. ALBERT LEE SMITH, was listed as a cosponsor of House Joint Resolution 399 instead of the gentleman from Washington, Mr. AL SWIFT.

I ask unanimous consent that the name of ALBERT LEE SMITH be removed from the list of cosponsors of House Joint Resolution 399.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1100

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS OF 1982

Mr. PANETTA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5203) to amend the Federal Insecticide, Fungicide, and Rodenticide Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. PANETTA).

The motion was agreed to.

The SPEAKER pro tempore. The Chair requests that the gentleman from Massachusetts (Mr. STUDDS) assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration on the bill, H.R. 5203, with Mr. STUDDS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Monday, July 26, 1982, all time for general debate on the bill had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1. Section 1 reads as follows:

H.R. 5203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982".

The CHAIRMAN pro tempore. Are there amendments to section 1? If not, the Clerk will designate section 2.

Section 2 reads as follows:

DEFINITIONS

SEC. 2. Section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by amending subsection (ee) by striking out "or" immediately before clause (4) and inserting before the colon at the end of clause (4) the following: ", or (5) using a registered pesticide product for the formulation of another end-use product or for repackaging an end-use product, unless such use is prohibited by the labeling".

The CHAIRMAN pro tempore. Are there amendments to section 2? If not, the Clerk will designate section 3.

Section 3 reads as follows:

REGISTRATION OF PESTICIDES

SEC. 3. Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by—

(1) amending subsection (c)(1) to read as follows:

"(1) STATEMENT REQUIRED.—Each applicant for registration shall file with the Administrator a statement which includes—

H 5634

CONGRESSIONAL RECORD — HOUSE

August 11, 1982

"(A) the name and address of the applicant and of any other person whose name will appear on the labeling;

"(B) the name of the pesticide product;

"(C) a complete copy of the labeling of the pesticide product, a statement of all claims to be made for it, and any directions for its use;

"(D) data as required for registration as provided in subsection (h) of this section with the trade secret or commercial or financial information marked as required by section 10(a) of this Act;

"(E) the complete formula of the pesticide product; and

"(F) a request that the pesticide product be classified for general use, for restricted use, or for both.";

(2) amending subsection (c)(2)(A) to read as follows:

"(2)(A) DATA IN SUPPORT OF REGISTRATION.—The Administrator shall publish guidelines specifying the kinds of information which would usually be required to support the registration of a pesticide product and shall revise such guidelines from time to time. The Administrator, in establishing guidelines for data requirements for the registration of pesticides with respect to minor uses, and with respect to various types and classes of pesticides, shall make such guidelines commensurate with the anticipated extent of use, pattern of use, and the level and degree of potential exposure of man and the environment to the pesticide. In the development of these guidelines, the Administrator shall consider the economic factors of potential national volume of use, extent of distribution, and the impact of the cost of meeting the guidelines on the incentives for any potential registrant to undertake the development of the required data. Guidelines and modifications thereof shall be published in the Federal Register. The Administrator shall provide for public comment for Agency guidance in development of such guidelines or modifications. Within 30 days after the Administrator registers a pesticide product under this Act the Administrator shall make available to the public the data called for in the registration statement together with such other scientific information as the Administrator deems relevant to the decision. The data shall be made available in a manner consistent with the provisions of section 10 of this Act.";

(3) amending subsection (c)(2)(B) to read as follows:

"(B) ADDITIONAL DATA TO SUPPORT EXISTING REGISTRATION.—

"(i) If the Administrator determines that additional data are required to maintain in effect an existing registration of a pesticide product (or a category of products) containing a particular ingredient, the Administrator shall notify all existing registrants of the pesticide to which the determination relates and provide a list of such registrants to any interested person. The notice shall specify the data required, the date by which the data shall be submitted, and the procedure for obtaining rulings by the Administrator on questions concerning the applicability of the notice to various registrants or concerning the nature of the data required to be submitted.

"(ii) Each registrant of such a pesticide product to whom the notice is applicable shall provide evidence within 180 days after receipt of the notification specified in clause (i) of this subparagraph that it is taking the appropriate steps prescribed by the Administrator to secure the required data. If more than one registrant is subject to the notice, such steps shall include entering into a joint data development arrangement, unless the registrants subject to the notice unanimously agree otherwise. The

joint data developers shall furnish to the Administrator the name, address, and telephone number of the person to whom inquiries concerning the arrangement should be addressed. As an initial cost of participation the joint data developers shall divide equally 25 percent of the estimated total cost of producing the required data or each shall pay \$100,000, whichever is less. The balance of the cost of producing the data shall be paid by the joint data developers as needed, and shall be shared by each joint data developer on the basis of its United States market participation for the pesticide being tested, based on total pounds of active ingredient equivalent sold or used annually. Each joint data developer's market participation shall be adjusted during the period of the data development so that the most recent sales figures are used to compute each member's market share for the purpose of determining its share of the remaining cost of producing the required data. Each of the joint data developers shall submit adequate evidence of its annual market participation to an independent auditor for each of the years during the period of the joint data development. Such independent auditor shall be chosen by the joint data developers. The auditor's decisions and determinations shall be final and binding on each of the joint data developers. If further data are required by the Administrator under this paragraph, either before or after the additional data that were originally requested have been submitted, the same formula and procedure specified in this paragraph shall apply as if the subsequent request were the initial request for data. Any registrant who shares in the cost of producing the data shall be entitled to receive a copy of the data, and to examine and rely upon such data in support of maintenance of such registration.

"(iii) Notwithstanding any other provision of this Act, if a registrant who is subject to the notice from the Administrator, within the 180-day period prescribed in clause (iv) of this subparagraph, fails to enter into a joint data development arrangement under that clause, or if any of the joint data developers fails to take appropriate steps to secure and submit the required data, the Administrator shall issue a notice of intent to suspend such registrant's registration of the pesticide for which additional data are required. Provided, That the terms of such joint data development arrangement shall be enforceable in an action brought by any developer in any federal district court having jurisdiction over all of the defendants or in the United States District Court for the District of Columbia, and such action shall be governed by the law of the District of Columbia. The Administrator may include in the notice of intent to suspend such provisions as the Administrator deems appropriate concerning the continued sale and use of existing stocks of such pesticide. Any suspension proposed under this subparagraph shall become final and effective at the end of 30 days from receipt by the registrant of the notice of intent to suspend, unless during that time a request for hearing is made by a person adversely affected by the notice, or the registrant has satisfied the Administrator that the registrant has complied fully with the requirements that served as a basis for the notice of intent to suspend. If a hearing is requested, a hearing shall be conducted under section 6(d) of this Act. The only matters for resolution at that hearing shall be whether the Administrator had a valid and reasonable basis for requiring the additional data, whether the registrant has failed to take the action that served as the basis for the notice of intent to suspend the registration of the pesticide product for which additional data

is required, and whether the Administrator's determination with respect to the disposition of existing stocks is consistent with this Act. If a hearing is held, a determination shall be made within 75 days after receipt of a request for such hearing, and the decision made after completion of such hearing shall be final. Any registration suspended under this subparagraph shall be reinstated by the Administrator if the Administrator determines that the registrant has complied fully with the requirements that served as a basis for the suspension of the registration.

"(iv) Subject to the provisions of clause (vi) of this subparagraph, data submitted pursuant to subparagraph (B) (before or after the effective date of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982) shall not be considered by the Administrator to support any application for registration, amended registration, reregistration or experimental use permit on behalf of any person other than the joint data developers for a period of 15 years after the data are submitted, unless any such person has reimbursed the joint data developers by paying a share of the cost of producing the data in proportion to the number of persons sharing in such costs. Any such person shall upon payment be considered to be an original participant and shall share in all rights and be bound by all obligations entered into by the original data developers. Such reimbursement shall be returned to the original participants based on the percentage of the overall monetary participation in the joint data development arrangement.

"(v) Health and safety data may be submitted voluntarily by a registrant or applicant after September 30, 1978, to replace data which such person deems scientifically insufficient under generally accepted good laboratory practices or test standards. In order to obtain the rights provided by this clause and clause (iv) of this subparagraph with respect to such data, a registrant or applicant undertaking such a replacement study shall notify the Administrator that the replacement study is being performed or has been performed under this clause. The Administrator shall publish any such notification in the Federal Register promptly after its receipt, and shall state therein whether the validity of the study is under review and any determinations as to its validity which have been made. Each person who, as of the date of publication, is a registrant or an applicant for registration of any product containing the active ingredient which is the subject of the study shall have the opportunity to participate in a joint data development arrangement as provided in clause (ii) of this subparagraph. If a registrant or applicant of record as of the date of publication of the notice informs the person undertaking the study, within 90 days of the date of publication, of the registrant or applicant's decision to voluntarily participate, the registrant or applicant shall have the rights and duties of a joint data developer as described in clauses (ii), (iii), and (iv) of this subparagraph.

"(vi) With respect to any study which has been or is being performed in response to a request for additional data issued under this subparagraph between September 30, 1978, and the date of enactment of the Federal Insecticide, Fungicide, and Rodenticide Act Amendments of 1982, any person who on such date of enactment is the registrant of a product of the type to which that request applies but who is not already a party to an agreement to share in the cost of performing that study shall be entitled to enter into a joint data development arrangement with any person or group which is performing or